

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed 05-15-18

Sponsored by Ollis

First Reading _____

Second Reading _____

COUNCIL BILL 2018- 125

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an Addendum to the
2 Amended and Restated Lease Agreement with the Agricultural and
3 Mechanical Society of Springfield, Missouri, (“the Fair Board”) for the
4 purpose of allowing the sale and serving of alcohol in additional areas
5 during the annual Ozark Empire Fair, provided the Fair Board has a
6 valid liquor license allowing service in such areas and complies with
7 certain other requirements.
8
9

10 WHEREAS, City Council approved an Amended and Restated Lease Agreement
11 (“Lease”) with the Fair Board by Special Ordinance 26017 on February 13, 2012, which
12 allowed alcohol to be served on the fairgrounds at all times except during the annual
13 Ozark Empire Fair; and
14

15 WHEREAS, City Council approved an Addendum to the Lease by Special
16 Ordinance 26265 on July 15, 2013, which allowed alcohol to be served in limited
17 locations on the fairgrounds during the annual Ozark Empire Fair, and the Fair Board
18 agreed not to make requests for changes in that approval for at least three years; and
19

20 WHEREAS, more than four and a half years have passed since the Addendum
21 was approved and there have been no undue alcohol-related difficulties or legal
22 problems during the Ozark Empire Fair; and
23

24 WHEREAS, the existing restrictions on alcohol sale locations during the Ozark
25 Empire Fair places the fairgrounds at an economic and competitive disadvantage as an
26 entertainment and concert venue; and
27

28 WHEREAS, it would be in the best interests of the City, the Fair Board, and the
29 community to support the financial stability of the fairgrounds by amending the City’s
30 lease with the Fair Board to allow the sale of alcohol in additional areas during the
31 Ozark Empire Fair, provided that certain parameters on alcohol sales are required in the
32 lease terms.
33

34 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
35 SPRINGFIELD, MISSOURI, as follows, that:

36
37 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
38 an Addendum to the Amended and Restate Lease Agreement with the Agricultural and
39 Mechanical Society of Springfield, Missouri, said agreement to be substantially in the
40 form as that document attached hereto and incorporated herein by this reference as
41 “Exhibit A.”

42
43 Section 2 – This Ordinance shall be in full force and effect from and after
44 passage.

45
46 Passed at meeting: _____

47
48
49 _____
Mayor

50
51 Attest: _____, City Clerk

52
53 Filed as Ordinance: _____

54
55 Approved as to form: Rhonda Lewsaden, Deputy City Attorney

56
57 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL 2018 - 125

FILED: 05-15-18

ORIGINATING DEPARTMENT: City Manager

PURPOSE: Authorizing the City Manager, or his designee, to enter into an Addendum to the Amended and Restated Lease Agreement with the Agricultural and Mechanical Society of Springfield, Missouri, ("the Fair Board") for the purpose of allowing the sale and serving of alcohol in additional areas during the annual Ozark Empire Fair, provided the Fair Board has a valid liquor license allowing service in such areas and complies with certain other requirements.

BACKGROUND INFORMATION: In 2012, City Council approved an Amended and Restated Lease Agreement ("Lease") with the Fair Board that allowed alcohol to be served on the fairgrounds at all times except during the annual Ozark Empire Fair. In 2013, after the Fair Board had demonstrated that allowing alcohol during events other than the Ozark Empire Fair created no undue alcohol-related difficulties, City Council approved an Addendum to the Lease allowing alcohol to be served in limited locations on the fairgrounds during the Ozark Empire Fair. The Fair Board agreed not to request further changes for at least three years.

More than four and a half years have passed since the Addendum to the Lease was approved, and the Fair Board has demonstrated that allowing alcohol during the Ozark Empire Fair does not create problems. Furthermore, the restrictions on alcohol sale locations during the Ozark Empire Fair places the fairgrounds at an economic and competitive disadvantage as an entertainment and concert venue.

REMARKS: The Fair Board believes this Addendum will support increased economic development within the City and support the financial stability of the fairgrounds as an entertainment and concert venue.

Recommended by and approved by:



Greg Burris, City Manager

ROUTING ORDER	(1) ORIGINATING DEPARTMENT	(2) LESSOR	(3) FINANCE DEPARTMENT
	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	ADDENDUM #04 TO CONTRACT #1993-046	
LESSEE		LESSOR	
City of Springfield 840 Boonville, P.O. 8368 Springfield, MO 65802 Phone: 417-864-1006 Fax: 417-864-1912 Attn: City Manager		Greene County Agricultural and Mechanical Society of Springfield, Missouri 3001 N. Grant Ave. Springfield, MO 65803 Phone: 417-833-2660 Fax: 417-833-3769 Attn: General Manager	

ADDENDUM TO LEASE AGREEMENT

Entered into this ____ day of _____, 20____, for good and valuable consideration, the undersigned hereby agree that this Addendum shall become part of that certain Lease executed on the 15th day of March, 2012, by the parties identified above.

The parties agree as follows, that:

1. Paragraph 8 on page 6 of the Contract is hereby deleted and replaced with a new paragraph 8 which reads as follows:
 8. **Annual Fair.** As part of the consideration of this Lease, Lessee shall annually sponsor the Ozark Empire Fair to be held on the aforesaid premises. Provided that Lessee has a valid liquor license allowing service in the following areas, Lessee may allow alcohol to be served at the annual Ozark Empire Fair in the Grandstand, Arena, Bootdaddy Grill, and any and all other areas now owned and operated by the Ozark Empire Fair with permanent seating, subject to the following restrictions: all areas in which alcohol is served shall have a security person and alcohol shall not be removed from the area.
2. All other provisions of the aforementioned Lease Agreement shall remain in full force and effect.
3. This Addendum together with the Lease Agreement contain the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this Lease Agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.

[Remainder of page intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year herein stated

**GREENE COUNTY AGRICULTURAL AND MECHANICAL
SOCIETY OF SPRINGFIELD, MO**

CITY OF SPRINGFIELD, MISSOURI

Billy Claiborn, President

City Manager or Designee

ATTEST:

APPROVED AS TO FORM

Aaron Owen, Assistant Secretary and
General Manager

City Attorney or Designee